UNITED STATES PATENT AND TRADEMARK OFFICE

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TROP, PRUNER & HU, P.C.
1616 S. VOSS ROAD, SUITE 750
HOUSTON, TX 77057-2631

EXAMINER
WILSON, ROBERT W

ART UNIT	PAPER NUMBER
2419	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/473,726	BRADD ET AL.
	Examiner	Art Unit	
	ROBERT W. WILSON	2419	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 October 2008*.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.
  4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-17* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  a)☐ All   b)☐ Some * c)☐ None of:
    1.☐ Certified copies of the priority documents have been received.
    2.☐ Certified copies of the priority documents have been received in Application No. _____.
    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

2.   Claims 1, 9-10, 12, & 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Berg (U.S. Patent No.: 6,680,952)

Referring to claim 1, 1st embodiment of Berg teaches: communication network (Fig 1) providing
voice over IP or voice over ATM services (Media Gateway converts PCM over trunk into IP or
ATM per col. 4 lines 30-37 the network arrangement (Fig 1) comprising:

A first media gateway controller (120 per Fig 1 can be more than one media gateway controller
so there is a first media gateway controller per col. 5 lines 1-20) and provided with a first
operating protocol (intercommunication between media gateway controller and media gateways
is via IP or first protocol per col. 4 lines 67)

A second media gateway controller (120 per Fig 1 can be more than one media gateway
controller so there is a second media gateway controller per col. 5 lines 1-20) and provided with
a same operating protocol (intercommunication between media gateway controller and media
gateways is via IP or first protocol per col. 4 lines 67)

And a gateway address translator provides a relay function or messaging between each of said
first and second media gateway controllers and the corresponding first and second gateways and
virtual bear function for messaging between said first and second media gateway controllers
(Each of the gateways 110 and 150 per Fig 1 receiving voice and signaling data and provide
gateway address translation to the respective gateway controllers per col. 4 line 60 to col. 7 line
13 gateway. 120 provides message between 110 and 120 per Fig which are virtual bearer
functions per col. 4 line 10 to col. 7 line 13)

The first embodiment of Berg does not teach: 2nd operating protocol in the 2nd media gateway
controller

The second embodiment of Bert teaches: media gateway controller can be implemented as a
protocol converter per col. 6 lines 53 to67

It would have been obvious to one of ordinary skill in the art at the time of the invention to add
the protocol converter capability of the second embodiment of Berg to the second media gateway
controller of the first embodiment of Bert in order to build a system which utilizes different
protocol in order to interoperate with different carriers such as LEC and long distance carriers in
order to interoperate.

Referring to claim 9, 1st embodiment of Berg teaches: a gateway address translator (The
combination of the Media Gateway Controllers and Gateways, Packet network and 140, & 142
or address translator) for us in a communication network arrangement providing voice over IP
or voice over ATM services (Media Gateway converts PCM over trunk into IP or ATM per col.
4 lines 30-37 the network arrangement (Fig 1) comprising:

A first media gateway controller (120 per Fig 1 can be more than one media gateway controller
so there is a first media gateway controller per col. 5 lines 1-20) and provided with a first
operating protocol (intercommunication between media gateway controller and media gateways
is via IP or first protocol per col. 4 lines 67)

A second media gateway controller (120 per Fig 1 can be more than one media gateway
controller so there is a second media gateway controller per col. 5 lines 1-20) and provided with
a same operating protocol (intercommunication between media gateway controller and media
gateways is via IP or first protocol per col. 4 lines 67)

And a gateway address translator provides a relay function or messaging between each of said
first and second media gateway controllers and the corresponding first and second gateways and
virtual bear function for messaging between said first and second media gateway controllers
(Each of the gateways 110 and 150 per Fig 1 receiving voice and signaling data and provide
gateway address translation to the respective gateway controllers per col. 4 line 60 to col. 7 line
13 gateway . 120 provides message between 110 and 120 per Fig which are virtual bearer
functions per col. 4 line 10 to col. 7 line 13)

The first embodiment of Berg does not teach: 2nd operating protocol in the 2nd media gateway
controller

The second embodiment of Bert teaches: media gateway controller can be implemented as a
protocol converter per col. 6 lines 53 to67

It would have been obvious to one of ordinary skill in the art at the time of the invention to add
the protocol converter capability of the second embodiment of Berg to the second media gateway
controller of the first embodiment of Bert in order to build a system which utilizes different
protocol in order to interoperate with different carriers such as LEC and long distance carriers in
order to interoperate.

In addition Berg teaches:

Regarding claim 10, comprises software provided in machine readable form on a storage medium (instruction for CPU stored in main memory per col. 7 line 14 to col. 8 line 54)

Referring to claim 12, 1st embodiment of Berg teaches: a method (Fig 1 performs the method) of providing voice over IP or voice over ATM services (Media Gateway converts PCM over trunk into IP or ATM per col. 4 lines 30-37 the network arrangement (Fig 1) comprising:

A first media gateway controller (120 per Fig 1 can be more than one media gateway controller so there is a first media gateway controller per col. 5 lines 1-20) controlling a first media gateway (110 per Fig 1) and provided with a first operating protocol (intercommunication between media gateway controller and media gateways is via IP or first protocol per col. 4 lines 67) and

a second media gateway controller (120 per Fig 1 can be more than one media gateway controller so there is a second media gateway controller per col. 5 lines 1-20) controlling a second gateway (150 per Fig 1) and provided with a same operating protocol (intercommunication between media gateway controller and media gateways is via IP or first protocol per col. 4 lines 67)

the method comprising provision proxies between said first and second gateways so as to provide a relay function for messaging between each for the first and second media gateway controllers (a plurality of media gateway controller or a first and second media gateway controller relay message or proxy from 110 first media gateway and from 150 second media gateway per and thus provided forwarding associated with a virtual bearer function per col. 4 line 10 to col. 7 line 13. 120 provides message between 110 and 120 per Fig 1 which are virtual bearer functions per col. 4 line 10 to col. 7 line 13) a first protocol I utilized between the first media gateway controller and the first gateway and utilizing the same protocol between the second media gateway controller and the second gateway to provide virtual bear function for enabling message between the first and second media gateway controller (IP or first protocol is utilized to forward message and 120 provides message between 110 and 120 per Fig 1 which are virtual bearer functions per col. 4 line 10 to col. 7 line 13

The first embodiment of Berg does not teach: second different operating protocol in the 2nd media gateway controller

The second embodiment of Bert teaches: media gateway controller can be implemented as a protocol converter per col. 6 lines 53 to67

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the protocol converter capability of the second embodiment of Berg to the second media gateway controller of the first embodiment of Berg in order to build a system which utilizes 2nd different protocol in order to interoperate with different carriers such as LEC and long distance carriers which would result in a second different protocol being utilized between the second media gateway controller and the second gateway.

Referring to claim 15, the first embodiment of Berg teaches: software in machine readable form provided on a storage medium (120 per Fig 1 has instructions or software which are in readable form which executed on a CPU per col. 8 lines 14 to col. 9 line 5) and adapted to control deliver of voice over IP or voice over ATM services in a communications network arrangement (120 per Fig 1controls voice over IP or voice over ATM per col. 5 lines 21 to col. 6 line 9) comprising a

A first media gateway (110 per Fig 1 per col. 4 line 60 to col. 7 line 13) providing a first protocol (IP or first protocol per Fig 1) and second media gateway (120 per Fig 1 and per col. 4 line 60 to col. 7 line 13) and providing same protocol (IP per Fig 1)

The software providing means for provisioning proxies of said first and second gateways so as to provide a relay function for messaging between said first and second gateways and messaging between said first and second gateways controllers and the corresponding one of the first and second gateways utilizing the corresponding protocols messaging utilizing the protocol of the media gateway (The CPU in each of the gateways 110 and 120 per Fig 1 has software which acts as a relay or proxy to forward messages between the first and second gateway controller (120 per Fig 1 which is made up of a plurality of gateway controllers per col. 5 lines 1-20.) the first and second gateways utilizing the same protocol (Figure 1 shows gateways utilizing IP protocol)

means for providing a virtual bearer function for enabling message between the first an second media gateway controller (gateway has processor for software or means to sets up bearer selection between 110 and 150 per col. 6 lines 30 to 35)

The first embodiment of Berg does not teach: second different operating protocol in the 2nd media gateway controller

The second embodiment of Berg teaches: media gateway controller can be implemented as a protocol converter per col. 6 lines 53 to67

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the protocol converter capability of the second embodiment of Berg to means of provisioning of said first and second gateways of the first embodiment of Berg in order to build a system which utilizes 2nd different protocol in order to interoperate with different carriers such as LEC and long distance carriers which would result in a second different protocol being utilized between the second media gateway controller and the second gateway.

3.   Claim 2-6, 14, and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Berg (U.S. Patent No.: 6,680,952) in view of Tran (U.S. Patent No.: 6,667,968)

Referring to claim 2 the combination of the first and second embodiment of Berg teach: method of claim 1 and gateway address translator comprising proxies and virtual gateway

The combination of the first and second embodiment of Berg do not expressly call for: address translation for first and second gateway and media gateway controller

Tran teaches: address translation for a plurality of end points per col. 6 lines 10 to 34.

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the address translation for a plurality of multiple endpoints of Tran into the media gateways of the combination of first and second embodiment of Berg in order for the gateway to have a single interface with the PBX and thereby forwarded data and signaling from the PBX to the respective media gateway and media gateway controller.

In addition Berg teaches:

Regarding claim 3, wherein the communication between media gateway controller is provided via signaling network (IP protocol is used for signaling network between the gateways per Fig 1)

Regarding claim 4, wherein the signaling network comprises common channel signaling 7 network (SS7 per co. 6 line 32)

Regarding claim 5, wherein the gateway address translator comprises software provided in machine readable form on a storage medium (instruction for CPU stored in main memory per col. 7 line 14 to col. 8 line 54)

Regarding claim 6, wherein said gateway address translator comprises a software application running one of said first and second media gateway controllers (instruction for CPU stored in main memory per col. 7 line 14 to col. 8 line 54 and there are a plurality of CPUs per col. 7 lines 17 to 25

Referring to claim 14, 1st embodiment of Berg teaches: a communication network arrangement (The combination of 110, 140, 120, 142 150, & 130 per Fig 1 or communication network arrangement) of providing voice over IP or voice over ATM services (Media Gateway converts PCM over trunk into IP or ATM per col. 4 lines 30-37 the network arrangement (Fig 1) and incorporating a plurality of media gateways and media gateway controller (Fig 1 shows a plurality) therefore whereby voice calls are set up over virtual channels in the network (voice calls are setup using SS7 via PSTN network which inherently sets up a virtual channel and wherein communication between said media gat3ways and media gateway controller sends and receives communication using a corresponding same operating protocol (I P protocol is used per Fig 1) and wherein the gateways are provisioned in order to perform proxy (The media gateways forward data to the media gateway controller per Fig 1 or perform proxy)

The first embodiment of Berg does not teach: second different operating protocol in the 2nd media gateway controller

The second embodiment of Bert teaches: media gateway controller can be implemented as a protocol converter per col. 6 lines 53 to67

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the protocol converter capability of the second embodiment of Berg to the second media gateway controller of the first embodiment of Berg in order to build a system which utilizes 2nd different protocol in order to interoperate with different carriers such as LEC and long distance carriers which would result in a second different protocol being utilized between the second media gateway controller and the second gateway.

The combination of the first and second embodiment of Berg do not expressly call for: address translation for first and second gateway and media gateway controller

Tran teaches: address translation for a plurality of end points per col. 6 lines 10 to 34.

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the address translation for a plurality of multiple endpoints of Tran into the media gateways of the combination of first and second embodiment of Berg in order for the gateway to have a single interface with the PBX and thereby forwarded data and signaling from the PBX to the respective media gateway and media gateway controller.

Referring to claim 16, the combination of 1st and 2nd embodiment of Berg teach: the communications network arrangement as claimed in claim 1 and a first media gateway controller and a second media gateway controller

The combination of the 1st and 2nd embodiment of Berg does not expressly call for: provisioning the address of one of the proxies instead of the gateway

Tran teaches: provisioning the address of one of the proxies instead of the gateway
(address translation for a plurality of end points per col. 6 lines 10 to 34).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the address translation for a plurality of multiple endpoints of Tran into the media gateways of the combination of first and second embodiment of Berg in order for the gateway to have a single interface with the PBX and thereby forwarded data and signaling from the PBX to the respective media gateway and media gateway controller.

Referring to claim17, the combination of 1st and 2nd embodiment of Berg teach: the gateway address translator as claimed in claim 9 and wherein the first one of the gateway proxies communicate with the first media gateway controller using the first operating protocol and a second one of the gateway proxies communicates with the second media gateway control using

the second operating protocol and the first gateway proxy is provisioned in the first media gateway controller and the second gateway proxy is provisioned at the second media gateway controller

The combination of the 1st and 2nd embodiment do not expressly call for: proxy address provisioned in a media gateway controller

Tran teaches: proxy address provisioned in a media gateway controller
(address translation for a plurality of end points per col. 6 lines 10 to 34.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the address translation for a plurality of multiple endpoints of Tran into the media gateways of the combination of first and second embodiment of Berg in order for the gateway to have a single interface with the PBX and thereby forwarded data and signaling from the PBX to the respective media gateway and media gateway controller.

4.   Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berg (U.S. Patent

No.: 6,680,952) in view of Buhrke (U.S. Patent No.: 5,231,631)

Referring to claim 7, the combination of the first and second embodiment of Berg and teach: a communication network arrangement as claimed in claim 1 and at least a first and second media gateway controller pair.

The combination of the first and second embodiment of Berg do not expressly call for: separate ingress and egress functions

Buhrke teaches: distributed controller providing separate ingress and egress (ingress controller and egress controller which are separate terminal adapters per col. 2 lines 1 to 29)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the separate ingress and egress controllers of Buhrke in place of the single controller of the combination of the first and second embodiment of Berg in order to increase throughput by utilizing parallel processing.

5.   Claims 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berg

(U.S. Patent No.: 6,680,952) in view of Buhrke (U.S. Patent No.: 5,231,631) further in view of

Coffee (U.S. Patent No.: 6,931,111)

Referring to claim 8, the combination of first and second embodiment of Berg and Buhrke teach:
a communication arrangement of claim 7 and a 1st and second media gateway controller

The combination of the combination of first and second embodiment of Berg and Buhrke do not
expressly call for: gateway constituted by a softswitch.

Coffee teaches: gateway constituted by a softswitch (media gateway is a softswitch per col. 7
lines 17 to 31)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add
the softswitch capability of Coffee to the media gateway controller of the combination of first
and second embodiment of Berg and Buhrke because by implementing the media controller as a
softswitch makes it easier to update and improve the switching capability through software
upgrades.

In addition Berg teaches:

Regarding claim 11, and incorporated in one of the first and second media gateway controllers
(instruction for CPU stored in main memory per col. 7 line 14 to col. 8 line 54 . This software is
associated with the many CPU one which is associated with a media gateway controller)

6.   Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berg (U.S. Patent

No.: 6,680,952) in view of Kamarczyk (U.S. Patent No.: 6,950,441)

Referring to claim 13, 1st embodiment of Berg teaches: a method of interfacing media gateway
controller and media gateways having different operating protocol in a communication network
arrangement (Figure 1 performed the method. 120 per Fig 1 can be more than one media
gateway controller so there is a first media gateway controller and 2nd media gateway controller
or plurality of media gateway controllers per col. 5 lines 1-20. The media gateway controllers
interface with two media gateways per Fig 1. The intercommunication between media gateway
controller and media gateways is via IP or first protocol per col. 4 lines 67. The media gateway
controller can be implemented as a protocol converter per col. 6 lines 53 to 67 so it would have
been obvious to have two protocols utilized between the media gateways and media gateway
controllers respectively in order to interoperate with different carriers such as a LEC and long
distance carrier.) providing voice over IP or voice over ATM services (Media Gateway converts
PCM over trunk into IP or ATM per col. 4 lines 30-37 the network arrangement (Fig 1) the
method comprising:

Creating proxies of said media gateways (The media gateways in Figure 1 forward signaling
message to the media gateway controller and the media gateway controller forward signaling
message back to the media gateways per Fig 1)

The media gateway controllers are provisioned as protocol converters which means that they are provisioned to utilize operating protocols per col. 6 lines 53 to67)

Berg does not expressly call for: creating software proxies of the media gateways and provisioning software address of the proxies rather than the corresponding media gateways

Kacmarczyk teaches: creating software proxies of the media gateways (Gateway is implemented in softwitch or software which allows one address to represent a plurality of devices per col. 4 lines 5 to 48) and provisioning software address of the proxies rather than the corresponding media gateways (Gateway is implemented in software which allows one address to represent a plurality of devices per col. 4 lines 5 to 48)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the creating software proxies of the media gateways and provisioning software address of the proxies rather than the corresponding media gateways of Kacmarczyk in place of the proxy capability in each of the media gateways of Berg in order to build a system in which the proxying function is implemented in software so it can be easily updated and changed to incorporate network changes.

Response to Amendment

7.   Applicant's arguments with respect to claims 1-17 have been considered but are moot in

view of the new ground(s) of rejection.

8.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

       A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Conclusion

9.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to ROBERT W. WILSON whose telephone number is (571)272-

3075. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jay Patel can be reached on 571/272-2988. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert W Wilson/
Primary Examiner, Art Unit 2419

RWW